

REMARKSI. The 35 U.S.C. §101 Rejections

The Examiner rejected claims 13-24 under §101 as allegedly directed to non-statutory subject matter. Amended claim 13 is directed to a computer program product that comprises code embedded on a computer-readable medium. Claims 14-24 are dependent on claim 13. Thus, Applicant respectfully submits that claims 13-24 have overcome the §101 rejections.

II. The 35 U.S.C. §102 Rejections

Claims 1-3, 9, 13-15, and 21 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,694,546 issued to Reisman ("REISMAN"). Applicant respectfully traverses the rejections.

A. Overview

REISMAN discloses a system for providing an "augmented information product." REISMAN, col. 6, lines 25-29. Specifically, the system automatically retrieves a "pre-identified object" from a remote object source and integrates the pre-identified object with an existing information product at the user workstation to create the augmented information product. REISMAN, col. 6, lines 30-47.

As will be shown below, REISMAN does not disclose or suggest a method for managing a cache on a mobile device as recited in claim 1.

B. Claim 1

It is axiomatic that the cited references in a §102 rejection must disclose every element in the rejected claim. MPEP 2143.03. Claim 1 recites a method of managing a cache on a mobile device, comprising the steps of:

"receiving a call for loading a set of files, said set of files including an application or data;

searching a database for a matching record to said set of files;

based on said matching record, determining if said set of files is out-of-date or if a scheduled update is overdue;
 updating said set of files if it is out-of-date;
 performing a status check or update if said scheduled update is overdue; and
 loading said set of files if it is not out of date and said scheduled update is not overdue.”

As demonstrated below, Applicant respectfully submits that REISMAN does not disclose or suggest multiple steps as recited in claim 1.

1. REISMAN Fails to Disclose Or Suggest the Step of Searching A Database for A Matching Record

REISMAN discloses a system that performs automatic object retrieval from a remote object source in accordance with a schedule. At scheduled times, the REISMAN system either automatically retrieves a pre-identified object from the remote object source or prompts the user to do so. REISMAN, col. 6, lines 53-61.

In contrast, upon receiving a call to a set of files, claim 1 recites a method that searches a local database for a matching record to the called files. REISMAN does not disclose a system that performs a search in a local database for a matching record upon receiving a call for a set of files. Instead, REISMAN automatically searches a remote object source for a pre-identified object. Thus, REISMAN does not disclose or suggest this step as recited in claim 1.

2. REISMAN Fails to Disclose Or Suggest the Step of Determining If Said Set of Files Is Out-Of-Date Or If A Scheduled Update Is Overdue, Based on Said Matching Record

REISMAN discloses a system that automatically retrieves a pre-identified object from the remote object source. REISMAN, col. 6, lines 24-29.

In contrast, claim 1 recites the step of determining if a matching record (of the called set of file) found in a local database is out of date or if a scheduled update is overdue. REISMAN does not disclose a system that performs a determination of whether any matching record in a local database is outdated. Instead, the REISMAN system automatically retrieves a pre-identified object from a remote object source

regardless of whether files on any local database is outdated. Thus, REISMAN does not disclose or suggest this step as recited in claim 1.

3. REISMAN Fails to Disclose Or Suggest the Step of Updating Said Set of Files If It Is Out-Of-Date

The REISMAN system automatically retrieves a pre-identified object from a remote object source. REISMAN, col. 6, lines 24-29. Further, the retrieved pre-identified object is integrated with an existing information product to form an augmented information product. REISMAN, col. 6, lines 30-47.

Claim 1 also recites the step of updating the matching record (to the called set of files) if it is out-of-date. REISMAN does not disclose a system that updates any matching record found in a local database. Instead, the REISMAN system integrates a retrieved pre-identified object to an existing information product to create an augmented information product. REISMAN fails to disclose or suggest any method for updating the existing information product itself. Thus, REISMAN does not disclose or suggest this step as recited in claim 1.

4. REISMAN Fails to Disclose or Suggest the Step of Performing a Status Check

The REISMAN system automatically retrieves and integrates a pre-identified object to form an augmented information product. REISMAN, col. 6, lines 30-47.

Claim 1 also recites the step of performing a status check. REISMAN does not disclose a system that performs any status check. The REISMAN system automatically retrieves a pre-identified object in accordance with a schedule and integrates that object with an existing information product to create an augmented information product. REISMAN does not disclose or suggest any method for checking the status of the existing information product. Thus, REISMAN does not disclose or suggest this step as recited in claim 1.

Based on the foregoing, Applicant respectfully submits that neither the cited portions (nor anywhere else) in REISMAN discloses or suggests multiple steps recited in claim 1. Thus, claim 1 should be in condition for allowance.

C. Claims 2-3 and 9

Claims 2-3 and 9 are dependent upon claim 1 and therefore should also be in condition for allowance.

D. Claim 13

Independent claim 13 recites a computer program product comprising logic code that, when executed, perform the steps as recited in claim 1. Based on Applicant's foregoing arguments with respect to claim 1, Applicant believes that claim 13 is also not anticipated by REISMAN and should be in condition for allowance.

E. Claims 14-15 and 21

Claims 14-15 and 21 are dependent upon claim 13 and therefore should also be in condition for allowance.

III. The 35 U.S.C. §103 Rejections

Claims 4-8, 10-12, 16-20, and 22-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over REISMAN. Applicant respectfully traverses the rejections.

A. Claims 4-8 and 10-12

Claims 4-8 and 10-12 are dependent upon independent claim 1. Based on the foregoing arguments with respect to independent claim 1, Applicant respectfully submits that the 103 rejections are moot and these dependent claims should also be in condition for allowance.

B. Claims 16-20 and 22-24

Claims 16-20 and 22-24 are dependent upon independent claim 13. Based on the foregoing arguments with respect to independent claim 13, Applicant respectfully

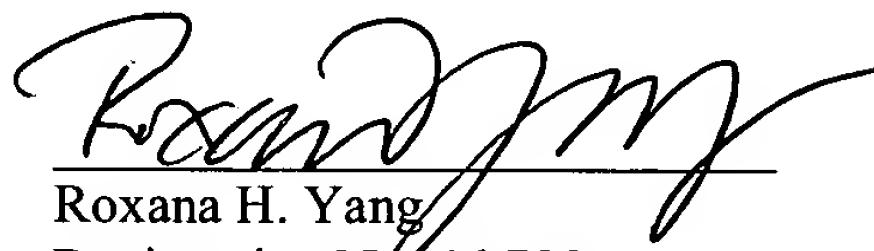
submits that the 103 rejections are moot and these dependent claims should also be in condition for allowance.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that the application is now in condition for allowance. Should the Examiner believe that a telephone interview would help advance the prosecution of this case, the Examiner is requested to contact the undersigned attorney.

Respectfully submitted,

By:


Roxana H. Yang
Registration No. 46,788

Law Office of Roxana H. Yang
P.O. Box 3986
Los Altos, CA 94024
(408)749-8098